# Water & Soil Resources Board

# Projects Summary (\$ in Thousands)

Project Title	2008 Agency Priority	Agend	cy Project Req (\$ by S	uest for State ession)	Funds	Governor's Recommendations 2008	Gover Planı Estin	ning
	Ranking	2008	2010	2012	Total		2010	2012
RIM Reserve Program	1	\$70,000	\$0	\$0	\$70,000	\$0	\$0	\$0
Local Government Road Wetland Replacement	2	8,500	8,900	9,400	26,800	0	0	0
RIM Clean Energy	3	46,000	0	0	46,000	0	0	0
Clean Water Legacy - Streambank, Lakeshores	4	2,500	2,500	2,500	7,500	0	0	0
Grass Lake	5	1,700	0	0	1,700	0	0	0
Total Project Requests		\$128,700	\$11,400	\$11,900	\$152,000	\$0	\$0	\$0

# RIM Reserve Program

**2008 STATE APPROPRIATION REQUEST:** \$70,000,000

**AGENCY PROJECT PRIORITY:** 1 of 5

**PROJECT LOCATION:** 

#### **Project At A Glance**

The RIM Reserve and Permanent Wetlands Preserve (PWP) programs acquire conservation easements from private landowners to:

- Protect or retire marginal and environmentally sensitive agricultural lands
- Protect and enhance water quality of rivers, streams, and lakes
- Create fish and wildlife habitat
- Contribute toward a net gain of wetland resources
- Reduce flood damage through the creation of natural water retention systems.
- Leverage federal WRP funds.

#### **Project Description**

This request is for \$70 million to acquire RIM and WRP conservation easements on approximately 25,000 acres of private land. Of that amount, \$57.5 million is for easements, \$6.25 million is for local government implementation grants and \$6.25 million is for BWSR implementation. Implementation costs include the necessary realty, engineering and administrative functions associated with easement acquisition and implementation of conservation practices on easement lands.

The RIM Reserve and PWP programs compensate landowners for granting conservation easements and establishing native vegetation habitat on economically marginal, flood-prone, environmentally sensitive or highly erodable lands. They protect the State's water and soil resources by retiring existing marginal agricultural lands, by restoring drained wetlands and by protecting existing wetlands that are highly susceptible to development

BWSR's RIM Reserve program is a critical component of the State's efforts to improve water quality by reducing soil erosion, reducing phosphorus and nitrogen loading, and improving wildlife habitat on private lands. RIM

Reserve is implemented in cooperation with local Soil and Water Conservation Districts (SWCDs).

Degrading water quality and diminished wildlife habitats can be found throughout Minnesota. Approximately 2.5 million of the State's 23 million acres of cropland have been targeted as having more benefit to the State as restored native prairie wetlands.

Damage to Minnesota resources occurs in the form of soil erosion, sedimentation of eroded soil, and phosphorus. Soil erosion reduces farm productivity, increases the costs of farming, and creates sediment for downstream communities to address. Sedimentation fills rivers and lakes, destroys habitat, carries pollutants, increases flood severities, and reduces recreational value. Phosphorus makes water unsuitable for fish or human activities, promotes excess aquatic plant growth, and promotes eutrophication of water resources.

The RIM Reserve and PWP programs meet the goals and objectives of BWSR's strategic plan. Agency goals that are achieved through capital projects include:

- Protecting or retiring marginal and highly sensitive agricultural lands;
- Creating natural retention systems to improve surface water quality and enhance groundwater recharge;
- Working toward a net gain of wetland resources; and
- Installing best management practices on Minnesota lands.

The State of Minnesota achieves quantifiable water quality benefits by removing environmentally sensitive cropland from production. From 1998 to 2002, through BWSR's Local Government Annual Reporting System (LARS), with data reported by SWCDs, BWSR calculated the benefits at 9.6 tons/acre/year sediment reduction, 4.2 tons/acre/year soil loss reduction, and 5.3 pounds/acre/year phosphorous reduction from each acre enrolled in a conservation easement.

## RIM Reserve/ WRP Partnership

The RIM Reserve/WRP partnership is a state/federal/local partnership that provides Minnesota with an opportunity to leverage significant federal dollars to increase wetland restoration conservation easement enrollment in Minnesota. In 2006, the United States Department of Agriculture (USDA)

Water & Soil Resources Board Project Narrative

# RIM Reserve Program

Natural Resources Conservation Service (NRCS) implemented a new appraisal process that was poorly received by Minnesota landowners. As a result, enrollment in WRP in Minnesota has decreased significantly compared to previous years' enrollment levels. The RIM Reserve/WRP partnership is successfully restoring drained wetlands by combining a WRP 30-year easement with a perpetual RIM Reserve easement. With this partnership we can create a combined payment from both programs that is attractive enough for landowners to choose enrollment in the partnership. Without bonding for RIM Reserve in 2008, Minnesota has the potential to lose \$15 million per year in 2008 and 2009 of WRP funding from the USDA. This partnership allows Minnesota's BWSR to leverage additional federal WRP dollars for Minnesota and reduces the State's payment to landowners. We expect to enroll approximately 15,000 acres in the RIM Reserve /WRP Partnership in 2008 and 2009. Permanent protection ensures that Minnesota's tax dollars are benefiting all citizens, both current and future.

#### **RIM Reserve Program**

The RIM Reserve continues to be a major force in Minnesota's soil and water conservation efforts. RIM Reserve increases public and private investment in private lands to improve water quality, and create wildlife habitat and enhance flood storage. These voluntary private-land conservation easements with private landowners are administered in partnership with SWCDs and focus on restoring drained wetlands and enrolling highly erodible, riparian and sensitive groundwater lands.

The RIM Reserve program is Minnesota's largest private land easement program and delivers multiple benefits which include:

- Retiring marginal/environmentally sensitive agricultural land from production;
- Improving our water and soil resources;
- Establishing wildlife habitat;
- Keeping lands in private ownership and on local tax rolls;
- Allowing partnership with federal, state and local entities to leverage additional financial resources that enhances the State's investment.

The BWSR is presently conducting an intensive RIM Reserve program review including stakeholder input to determine the agency's priorities for enrollment for the next five years. This review will be completed by the fall of

2007 and will identify RIM Reserve program priorities and opportunities for targeting enrollment.

The following initiatives provide opportunities for BWSR to target the RIM Reserve program to provide significant public benefits on private lands:

- Enroll priority wetland, grassland and wildlife habitats as identified in federal/state restoration partnerships and other conservation initiatives:
- Working Lands Initiatives (WLI) enrollment in identified WLI focus areas
- Expiring CRP contracts target enrollment of wetland and critical riparian lands
- Expiring RIM Reserve contracts target enrollment of critical riparian lands
- Clean Water Legacy target enrollment in TMDL's implementation areas including both protection and restoration plans;
- Riparian buffers target enrollment of 1.3 million acres of cropland identified within the 100 foot/100 year flood plain;
- Army Compatible Use Buffers (ACUB) target enrollment of targeted lands within a three-mile radius of Camp Ripley;
- Wildlife Habitat Corridor Project (HCP) target enrollment within the eight LCCMR approved project corridors;
- Flood Damage Reduction projects target enrollment of lands that flood during high rainfall periods and/or are within the 100 year flood plain;
- Lake Shore easements Clean Water Legacy protection plans.

We expect to enroll approximately 10,000 acres in RIM Reserve conservation easements.

#### **Other Conservation Initiatives**

BWSR has solicited and received matching funds from the federal North American Wetland Conservation Council (NAWCC) for RIM wetland restoration easements. To date, BWSR has received approximately \$3.0 million for projects throughout the state. These habitat restoration projects include the Minnesota River watershed, the Heron Lake restoration (in Jackson, Nobles, Cottonwood and Murray counties), Grass Lake restoration (in Kandiyohi County near Willmar), Northern Tallgrass Prairie restoration (covering 18 counties in northwestern Minnesota) and the Prairie Heritage

# RIM Reserve Program

restoration project (cover 38 counties in Southern Minnesota). These projects include numerous partners and have been initiated at the local level. BWSR continues to seek grants from NAWCC to fund conservation easements associated with special projects like those listed above or projects located within priority watersheds. This matching program requires a 1.5:1 match in order to be competitive nationally.

It is anticipated that conservation groups, such as Pheasants Forever, Ducks Unlimited, Isaac Walton League, Minnesota Waterfowl Association, The Nature Conservancy, Trout Unlimited, and the US Fish and Wildlife Service will continue to leverage dollars towards the establishment of conservation practices on RIM Reserve easements. From 1992 to present, these organizations contributed approximately \$3.0 million to the program and made additional donations in the form of native grass seed and in-kind services.

#### Impact on Agency Operating Budgets (Facilities Notes)

\$12.5 million of the request is required to implement the RIM Reserve program. This amount is required to support the necessary realty, engineering and administrative functions associated with easement acquisition and establishment of conservation practices on those easement lands. SWCDs will receive approximately 50% of this total as a Conservation Easement Services Grant to offset their cost to secure easements, develop conservation plans and monitor easement compliance.

## **Previous Appropriations for this Project**

1996	\$11.5 million
1998	\$15.0 million
2000	\$21.0 million
2001	\$51.4 million
2003	\$1.0 million
2005	\$23.0 million

#### Other Considerations

In April of 1998, a citizen's advisory committee issued a report *The Continuing Journey to Preserve Minnesota's Outdoor Heritage*, which sums up the state of wildlife-based recreation in Minnesota. This committee was established by the 1997 Legislature to review the original Reinvest in

Minnesota (RIM) program to see if it had been successful. The Committee found that RIM had been successful, but that additional funds were needed to avoid negative impacts to Minnesota's fish, wildlife, and native habitats from urban sprawl, agricultural practices and other development. The report recommended a funding level of \$20 million per year for expansion of the RIM Reserve, PWP and CREP easement programs.

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# Local Government Road Wetland Replacement

**2008 STATE APPROPRIATION REQUEST:** \$8,500,000

**AGENCY PROJECT PRIORITY: 2 of 5** 

PROJECT LOCATION:

#### **Project At A Glance**

The Minnesota Local Government Road Wetland Replacement program replaces wetlands lost due to local public road improvements.

## **Project Description**

The Board of Soil and Water Resources (BWSR) is requesting \$8.5 million to acquire 236 acres of wetlands to replace wetlands lost due to local government road construction and to acquire additional wetlands for establishing a 2.5 - year wetland "balance" to expand available wetland banking credits.

The Minnesota Local Government Roads Wetland Replacement program is in response to a state statutory obligation to replace wetlands lost to improvements made to public transportation projects as required under M.S. 103G.222, subd.1 (1). This program supports the "no-net loss" requirements of both state and federal regulations and it benefits a wide number of constituent groups including: local road authorities by assessing responsibility for replacing inevitable loss of wetlands to the state; environmental interests by establishing high quality wetland replacement sites; state taxpayers by saving land acquisition costs due to economies of scale; and citizens by avoiding delays in undertaking public safety road enhancements due to wetland mitigation costs.

The 1996 and 2000 Legislatures amended the Wetland Conservation Act (WCA) after several years of controversy and regulatory inconsistency among local governments, business interests, environmental groups and others. The Local Government Roads Wetland Replacement Program was a key outcome of these amendments. It transfers responsibility for replacing wetlands lost due to local government road construction from the local road

authority to the Board of Water and Soil Resources (BWSR). This eliminates the need for local government transportation officials to undertake and finance environmental reclamation projects, and consolidates the necessary technical, financial and other implementation work to provide higher quality, more cost-effective wetland replacement.

The Local Government Roads Wetland Replacement program provides the following benefits:

- ⇒ Regulatory simplification and efficient wetland mitigation are achieved by eliminating the need for each local road authority to maintain its own staff expertise and budget to mitigate impacts to wetlands from road projects.
- ⇒ Consolidation of fragmented impacts from road projects in targeted areas to provide habitat, water quality and other wetland functions away from traffic and highway runoff areas at a lower public cost.
- ⇒ Integration of state and local water management goals such as improving water quality, flood control, greenway preservation, and wildlife corridor enhancement through collective action.
- ⇒ Coordination with federal, state and local agencies in ranking project proposals and setting program strategies consistent with overall state and federal wetland goals.

There is stakeholder consensus on the benefits of the program and the need to permanently fund it. Local governments have recommended that funding for this program should be part of BWSR's capital budget request each biennium. Without a continued state commitment to this funding, local governments face paying for this work locally, which could result in several negative consequences including:

- reduced or delayed completion of local government road projects;
- increased local property tax levies;
- reversal of the fragile stakeholder consensus that resulted in wetland regulatory reforms (Laws 1996, Chap.462 and Laws 2000, Chap. 382); and
- reversal of an agreement with the Army Corps of Engineers (COE) that allows this program to meet federal regulatory requirements on behalf of local communities. Local road authorities would again have to seek individual approval.

# Local Government Road Wetland Replacement

#### Impact on Agency Operating Budgets (Facilities Notes)

The 2005 capital budget request was based on an average of 206 acres of required wetlands replacement every year at an annual cost of 2.06 million. An analysis of required replacement for the period 2004-2006 has determined that the annual need has increased to an average of 236 acres. The number of acres impacted depends most directly on the money available to local governments for road construction. The cost of establishing wetland varies widely, from a low of \$4,000 an acre in rural Minnesota to more than \$80,000 an acre for metro area projects.

State statute requires the replacement of wetlands to occur before any losses occur, but current practice lags two years behind in wetland replacement due to the availability of funding. This is important because it takes an average of 2.5 years to transform allotted funds into approved wetland credits. This 2.5 years is comprised of 2 years to find sites, acquire land and then implement the construction and vegetation plans and another 6 months for the credits to be certified and deposited into the wetland bank. This means that in order to comply with the state and federal regulations that require the replacement to be done prior to or concurrent with the wetland losses, 2.5 years worth of credits or a positive balance of at least 590 acres should be established and maintained.

The current system of replacement has satisfied the federal agencies in the past but BWSR anticipates the need to build this buffer as soon as possible so replacement precedes impacts by a minimum of one growing season. Failure to meet this in advance requirement would increase replacement costs even further.

The increase in funding requested for this program is principally due to the following:

- Increased need for replacement wetlands based on reporting to BWSR from local road authorities;
- 2. The need to establish a 2.5 year balance of wetland to avoid further program cost increases;
- 3. Increasing land prices are increasing BWSR's costs to supply the required replacement wetlands. Data on farmland sales has

documented a 23% increase in farmland values over the past two years.

In order to meet the statutory obligation to conduct wetland replacement and establish a 2.5 year balance of wetland credits, BWSR projects that it will need \$8.5 million for the upcoming two years (July 2007 through July 2009); however the total dollars needed may increase due to increased road construction activity and continued increases in land values.

## **Previous Appropriations for this Project**

\$3.0 million 1996 1998 \$2.75 million 2000 \$2.75 million 2001 \$2.0 million 2002 \$300 thousand \$2.7 million 2003 \$4.36 million 2005 2006 \$4.2 million

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# RIM Clean Energy

**2008 STATE APPROPRIATION REQUEST:** \$46,000,000

**AGENCY PROJECT PRIORITY:** 3 of 5

PROJECT LOCATION:

#### **Project At A Glance**

- ➤ The RIM Clean Energy (RIM CE) program will compensate landowners for granting RIM Clean Energy easements to create bio-energy.
- Easements will have a minimum duration of twenty years.
- ➤ RIM CE protects and enhances water quality and/or soil health, reduces chemical inputs, increases soil carbon storage, encourages biodiversity and provides wildlife habitat.

## **Project Description**

This request is for \$46 million to provide financial and technical assistance to landowners to produce native perennial energy crops and crop mixes for bioenergy production. The request includes \$40 million for clean energy easements on 13,000 acres of agricultural land, \$3 million for RIM CE service grants to local units of government and \$3 million to fund program implementation at the Board of Water and Soil Resources (BWSR).

Technology to transform cellulosic biomass (plant fibers) into bio-fuels such as ethanol is rapidly entering the marketplace. Minnesota is uniquely positioned to be at the forefront of this emerging industry. Done correctly, advanced bio-fuels will move us toward greater energy independence, reduce global warming pollution, improve water quality, increase wildlife habitat, and drive broad-based rural economic development.

Cellulosic ethanol represents the best opportunity for replacing petroleum with a renewable fuel while improving national, economic and environmental security. In order to ensure that bio-fuels retain their "green" attributes, advanced energy crop growing, harvesting and processing should be sustainable activities. If stewardship criteria are not integrated from the beginning, the threat exists that energy crops may not provide the expected environmental and local community benefits that they have the potential to deliver.

Growing energy crops would help support the development or expansion of bio-fuel facilities for ethanol production, generating electricity or heat, or other bio-based products.

Under the RIM CE program, BWSR would designate defined project areas through input received from the CE Technical Committee. Long-term easements would be purchased from farmers for sustainable production of perennial, native bio-energy crops on agricultural lands. A tiered payment system would be developed for landowners based on the benefits of bio-energy production and the other public benefits achieved by RIM CE easements.

#### **Other Conservation Initiatives**

The 2007 Federal Farm Bill being considered by congress will likely include a significant bio-fuel element, which would provide an opportunity to leverage federal dollars for bio-energy production that would enhance Minnesota's RIM CE program. We will be closely monitoring the development of the Federal Farm Bill and its implications to Minnesota's new RIM CE program.

## Impact on Agency Operating Budgets (Facilities Notes)

Six million dollars of this request is required to implement the RIM CE program. This amount is necessary to support critical realty, engineering and administrative functions associated with easement acquisition and establishment of bio-energy crops. Soil and Water Conservation Districts will receive approximately 50% of this total as a RIM CE service grant to offset their cost to secure easements

# **Previous Appropriations for this Project**None.

Water & Soil Resources Board Project Narrative

# RIM Clean Energy

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\$1.000.000

# Clean Water Legacy - Streambank, Lakeshores

**2008 STATE APPROPRIATION REQUEST:** \$2,500,000

**AGENCY PROJECT PRIORITY:** 4 of 5

**PROJECT LOCATION:** 

## **Project At A Glance**

- Provides grants for restoring impaired waters and priority lakes and streams.
- Implements local water management plans related to streambank, stream channel, lakeshore, and roadside erosion and sediment control projects, where there is a public interest in the land.
- Reduces sediment and associated nutrient losses to waters adjacent to agricultural land.

#### **Project Description**

This request is for \$2.5 million for cost-share grants to private landowners for implementation of soil and water conservation practices that contribute to the protection or restoration of streams, rivers, and lakes identified as a priority in comprehensive local water management plans or TMDL implementation plans. Cost-share grants will provide up to 75% of total project costs.

Projects will be selected through a competitive application process based in part on their ability to demonstrate the restoration and/or protection of water quality to the targeted water resource.

Recent studies have concluded that under average flow conditions, streambank erosion accounts for 11% of the phosphorous entering Minnesota's surface waters. An overabundance of phosphorous can result in excessive algal production and in waters becoming impaired, i.e. not meeting state water quality standards.

Under high flow conditions the contribution of phosphorous from streambank erosion can be as high as 40%. According to a 2003 report from the Soil and Water Conservation Society, the number of days on which heavy and very

heavy precipitation events occur shows an upward trend. This upward trend in heavy precipitation events, coupled with an estimated 40% of phosphorous loading occurring during high flow conditions, supports the need for programs to address streambank erosion.

Because of the large contribution of pollutants from streambank erosion it is critical that our Clean Water Legacy strategies for addressing TMDL's for sediment, turbidity, and/or phosphorous include funding for streambank, stream channel, lakeshore and roadside protection and restoration projects.

# Impact on Agency Operating Budgets (Facilities Notes) No impact

# Previous Appropriations for this Project Bonding State – Bonding Appropriation (2006)

Other Considerations

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## Grass Lake

**2008 STATE APPROPRIATION REQUEST:** \$1,700,000

**AGENCY PROJECT PRIORITY:** 5 of 5

PROJECT LOCATION:

#### **Project At A Glance**

- Completes restoration of 1,200-acre Grass Lake located adjacent to the city of Willmar in Kandiyohi County;
- Benefits wildlife habitat within and adjacent to Grass Lake:
- Improves water quality in Lake Wakanda, Little Kandiyohi Lake and the South Fork of the Crow River; and
- Improves storm water runoff management for the city of Willmar.

#### **Project Description**

This request is for \$1.7 million for a grant to Kandiyohi County (\$1.68 million) and for technical assistance (\$20,000) to complete restoration of Grass Lake adjacent to the City of Willmar. Grant funds will be used to acquire easements on 410 acres of land and complete project construction.

The total cost of Grass Lake restoration project is approximately \$5.2 million, of which \$3 million remains to be funded. Following are total project costs for the Grass Lake project:

Land rights acquisition Rerouting of County Ditch 23A high flows Water Control Structures and Vegetation Practices Pump station and primary treatment pond Professional and Technical Services Total cost	\$1,000,000 \$ 900,000 \$ 500,000 \$2,500,000 <u>\$ 300,000</u> \$5,200,000
Previous State Appropriation (2006) Remaining state and local funding need	\$2,200,000 <b>\$3,000,000</b>

Grass Lake was drained many years ago for agricultural and urban development by constructing ditches and subsurface tile within the basin. Incremental restoration of Grass Lake began in 1989 via the Reinvest in Minnesota Reserve (RIM) Program. Between 1989 and 2000, 11 landowners within the Grass Lake basin enrolled lands in RIM perpetual conservation easements for wetland restoration and reestablishment of native prairie vegetation. Two sub basins within Grass Lake have been restored with federal North American Wetland Conservation Act grants.

Further restoration of Grass Lake would enable this large basin to better serve as a contiguous wildlife habitat area, and provide for a runoff detention and bio-retention area. Grass Lake is located in the Prairie Pothole Region of Minnesota, which is a high priority waterfowl habitat restoration area. Restoration of Grass Lake has also been identified as a goal for water quality improvement and flood damage reduction in the Lake Wakanda and Little Kandiyohi Lake areas downstream.

County Ditch 23A is the outlet for stormwater runoff from approximately 3,300 acres within the city of Willmar. During the 1990s, the city commissioned a hydrologic study and preliminary design of two large stormwater lift stations that would enable the abandonment of CD 23A through Grass Lake. However, the associated high costs for construction (approximately \$5 million) and for operation (approximately \$50,000 per year), together with the fact that all of the involved landowners had not agreed to participate, precluded the city and other project partners from undertaking a plan to fully restore Grass Lake at that time.

An alternative, lower cost plan to restore most of Grass Lake is being developed and implemented as a partnership between the state, Kandiyohi County and the city of Willmar. This plan involves rerouting of CD 23A and high flows around the western and southern sides of Grass Lake, together with construction of a smaller stormwater lift station to pump "first flush" stormwater runoff from Willmar into a restored Grass Lake. This plan also involves primary treatment of pumped stormwater within a treatment pond and secondary treatment within Grass Lake, as well as detention and treatment of runoff from the 7,000-acre Peach Creek watershed. The project plan is being coordinated with the Minnesota Pollution Control Agency in anticipation of the impending impaired waters listing for this hydrologic system.

# Grass Lake

Key challenges involve the flat topography, highly organic upper soils, rapidly rising land values and the complexities of assuring compliance with existing and anticipated future water quality standards. Implementation of the project plan to restore Grass Lake involves acquisition of additional land rights on approximately 410 acres from 7 landowners. A state-county-city partnership is critical for this challenging, yet very beneficial, multi-purpose project.

Impact on Agency Operating Budgets (Facilities Notes)
No impact.

## **Previous Appropriations for this Project**

State – Bonding Appropriation (2006) \$2,200,000

#### **Other Considerations**

During recent years, RIM Reserve Program funding has been dedicated to state-federal partnerships within targeted areas of Minnesota, including the Conservation Reserve Enhancement Program (CREP 1 in the Minnesota River basin, CREP 2 in the Red River, Lower Mississippi River and Missouri River basins) and the Wetland Reserve Enhancement Program (WREP in the CREP 2 target areas). These partnerships have leveraged substantial federal funding for conservation in Minnesota. However, Grass Lake is not within these target areas.

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